

REMARKS

This is a full and timely response to the outstanding Office action mailed July 12, 2005. Claims 1-16 remain pending.

I. Present Status of Patent Application

Claims 1-16 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Shah (U.S. Patent No. 6,304,558) in view of Nageli (U.S. Patent No. 6,731,942) and Mysore (U.S. Patent No. 5,636,122). These rejections are respectfully traversed.

II. Examiner Interview

Applicant first wishes to express sincere appreciation for the time that Examiner Miller spent with Applicant's Agents and Attorneys Jeff Kuester and Benjie Balser during an August 19, 2005 telephone discussion regarding the above-identified Office Action. Applicant believes that various features described in the patent application and recited in the claims, including dispatching a work order and the applicability of *Mysore* were discussed during the telephone discussion, and that the outcome of this discussion is addressed herein. During that conversation, Examiner Miller seemed to indicate that it would be potentially beneficial for Applicant to file this response. Thus, Applicant respectfully requests that Examiner Miller carefully consider this response.

III. Rejections Under 35 U.S.C. §103(a)

A. Claims 1-5

The Office Action rejects claims 1-5 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Shah* (U.S. Patent No. 6,304,558) in view of *Nageli* (U.S. Patent No. 6,731,942) and *Mysore* (U.S. Patent No. 5,636,122). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 1 recites:

1. A method for dispatching work orders and receiving status information concerning such orders via a communications network adapted to communicate short message service (“SMS”) messages, the method comprising:
 - coupling a communication device to a dispatch computer, wherein the communication device is adapted to send and receive messages in a SMS format, and wherein the message includes status-type information;
 - formatting a dispatch order into at least one SMS message;
 - reformatting the at least one SMS message into at least one Internet packet;** and
 - forwarding the at least one Internet packet over the communications network to a selected communication device or a group of communication devices.

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical.*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Applicant respectfully submits that independent claim 1 is allowable for at least the reason that the combination of *Shah*, *Nageli* and *Mysore* does not disclose, teach, or suggest at least **reformatting the at least one SMS message into at least one Internet packet**. The Office Action stated that “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the two-way messaging system in *Shah* to include a system adapted to communicate short message service (“SMS”) messages and reformatting the SMS message into an Internet packet for transmission because a two-way message can be sent over the Internet and this would allow for efficient data communication between a computer aided dispatch system and a remote communication device.” Applicant strongly contends that such a modification would not have been obvious. Since there is no basis in the art for combining the references, Applicant traverses the Office Action's combination of *Shah* and *Mysore*. According to the present case law, obviousness cannot be established “by combining the teachings of the prior art to produce the claimed invention, absent some teachings or

suggestion that the combination be made.” *In re Stencel*, 828 F.2d 751, 755 (Fed. Cir. 1987).

Applicant submits that there is no teaching or suggestion that the teachings of *Shah* and *Mysore* be combined, thus the Office Action's rejection of the claims of the present invention was improper.

Mysore discloses a dispatch service; however, the dispatch service of *Mysore* is not related to dispatching work orders as disclosed in *Shah*. The dispatch service in *Mysore* is a gateway in a voice network system, which is unrelated to a work order dispatch system. Therefore, using *Mysore* in combination with *Shah* is improper. As shown above, the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 1. Therefore, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 1 is allowable.

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-5 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-5 contain all the steps/features of independent claim 1. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection to claims 2-5 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claims 2-5 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claims 2-5 are allowable.

Additionally, with regard to the rejection of claims 1-5, *Nageli* does not make up for the deficiencies of *Shah* and *Mysore* noted above. Therefore, claims 1-5 are considered patentable over any combination of these documents.

B. Claims 6-8

The Office Action rejects claims 6-8 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Shah* (U.S. Patent No. 6,304,558) in view of *Nageli* (U.S. Patent No. 6,731,942) and *Mysore* (U.S. Patent No. 5,636,122). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 6 recites:

6. A method for dispatching orders to service technicians remotely and receiving responsive information from such technicians concerning the orders via at least one wireless network adapted to transmit short messaging service (“SMS”) messages to allow communication among a central processor and service technicians without making a wireless telephone call, the method comprising:

providing each service technician with a processor and a transceiver adapted to communicate via SMS messages;

periodically causing the central processor to formulate a short message to a selected service technician processor that provides that service technician a dispatch order, wherein the short message includes status-type information;

transmitting the message over the wireless network via a short messaging center coupled to a mobile switching center within the wireless network;

reformatting the message into at least one Internet packet; and

transmitting the message over an IP network.

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 6 is allowable for at least the reason that the combination of *Shah*, *Nageli*, and *Mysore* does not disclose, teach, or suggest at least **reformatting the message into at least one Internet packet**. The Office Action stated that “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the two-way messaging system in *Shah* to include a system adapted to communicate short

message service ("SMS") messages and reformatting the SMS message into an Internet packet for transmission because a two-way message can be sent over the Internet and this would allow for efficient data communication between a computer aided dispatch system and a remote communication device." Applicant strongly contends that such a modification would not have been obvious. Since there is no basis in the art for combining the references, Applicant traverses the Office Action's combination of *Shah* and *Mysore*. According to the present case law, obviousness cannot be established "by combining the teachings of the prior art to produce the claimed invention, absent some teachings or suggestion that the combination be made." Applicant submits that there is no teaching or suggestion that the teachings of *Shah* and *Mysore* be combined, thus the Office Action's rejection of the claims of the present invention was improper.

Mysore discloses a dispatch service; however, the dispatch service of *Mysore* is not related to dispatching work orders as disclosed in *Shah*. The dispatch service in *Mysore* is a gateway in a voice network system, which is unrelated to a work order dispatch system. Therefore, using *Mysore* in combination with *Shah* is improper. As shown above, the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 6. Therefore, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 6 is allowable.

Because independent claim 6 is allowable over the cited art of record, dependent claims 7-8 (which depend from independent claim 6) are allowable as a matter of law for at least the reason that dependent claims 7-8 contain all the steps/features of independent claim 6. Therefore, the rejection to claims 7-8 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 6, dependent claims 7-8 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claims 7-8 are allowable.

Additionally, with regard to the rejection of claims 6-8, *Nageli* does not make up for the deficiencies of *Shah* and *Mysore* noted above. Therefore, claims 6-8 are considered patentable over any combination of these documents.

C. Claims 9-16

The Office Action rejects claims 9-16 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Shah* (U.S. Patent No. 6,304,558) in view of *Nageli* (U.S. Patent No. 6,731,942) and *Mysore* (U.S. Patent No. 5,636,122). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 9 recites:

9. A method for managing dispatch applications in order to deliver messages from or to each of multiple service technicians deployed over a geographically-dispersed area, the method comprising:

formulating at a central processor a message to at least one of the service technicians for wireless transmission according to a preselected format, wherein the message includes status-type information;

transmitting the message to a network element for identifying that message;

reformatting the message to an Internet protocol; and

transferring the message from the network element to a communication device associated with the selected service technician, wherein the communication device is adapted to cause the message to be displayed to the service technician and is capable of forwarding from the service technician a reply message concerning the status of a dispatch order.

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 9 is allowable for at least the reason that the combination of *Shah*, *Nageli*, and *Mysore* does not disclose, teach, or suggest at least **reformatting the message to an Internet protocol**. The Office Action stated that “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the two-way messaging system in *Shah* to include a system adapted to communicate short message service (“SMS”) messages and reformatting the SMS message into an Internet packet

for transmission because a two-way message can be sent over the Internet and this would allow for efficient data communication between a computer aided dispatch system and a remote communication device.” Applicant strongly contends that such a modification would not have been obvious. Since there is no basis in the art for combining the references, Applicant traverses the Office Action's combination of *Shah* and *Mysore*. According to the present case law, obviousness cannot be established “by combining the teachings of the prior art to produce the claimed invention, absent some teachings or suggestion that the combination be made.” Applicant submits that there is no teaching or suggestion that the teachings of *Shah* and *Mysore* be combined, thus the Office Action's rejection of the claims of the present invention was improper.

Mysore discloses a dispatch service; however, the dispatch service of *Mysore* is not related to dispatching work orders as disclosed in *Shah*. The dispatch service in *Mysore* is a gateway in a voice network system, which is unrelated to a work order dispatch system. Therefore, using *Mysore* in combination with *Shah* is improper. As shown above, the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 9. Therefore, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 9 is allowable.

As shown above, the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 9. Therefore, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 9 is allowable.

Because independent claim 9 is allowable over the cited art of record, dependent claims 10-16 (which depend from independent claim 9) are allowable as a matter of law for at least the reason that dependent claims 10-16 contain all the steps/features of independent claim 9. Therefore, the rejection to claims 10-16 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 9, dependent claims 10-16 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claims 10-16 are allowable.

Additionally, with regard to the rejection of claims 9-16, *Nageli* does not make up for the deficiencies of *Shah* and *Mysore* noted above. Therefore, claims 9-16 are considered patentable over any combination of these documents.

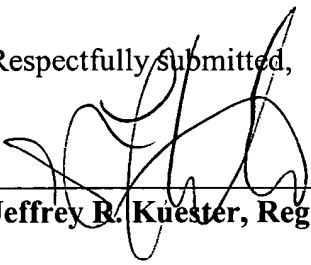
IV. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-16 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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